

SENATE No. 465

The Commonwealth of Massachusetts

PRESENTED BY:

Creem, Cynthia (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing breast cancer patient protection

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	First Middlesex and Norfolk
Susan C. Fargo	Third Middlesex
Colleen M. Garry	36th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00585 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING BREAST CANCER PATIENT PROTECTION

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws, as appearing in the 2004 Official Edition, is
2 hereby amended by inserting after section 17H the following section: -
3 Section 17I. The commission shall provide to any active or retired employee of the commonwealth who is
4 insured under the group insurance commission coverage, for a minimum of forty -eight hours of inpatient
5 care following a mastectomy and a minimum of twenty-four hours of inpatient care following a lymph
6 node dissection for the treatment of breast cancer. Any decision to shorten these minimum stays shall be
7 made by the attending physician in consultation with and upon agreement by the patient. If the patient
8 participates in an early discharge, defined as in-patient care following a mastectomy that is less than
9 forty-eight hours and inpatient care following a lymph node dissection for the treatment of breast cancer
10 that is less than twenty-four hours, coverage shall include a minimum of one home visit conducted by a
11 physician or registered nurse.

12 SECTION 2. Section 51 of chapter 111 of the General Laws, as appearing in the 2004 Official
13 Edition, is hereby amended by adding, at the end, the following: -

No hospital licensed pursuant to this section shall, for mastectomy and lymph node dissection patients, permit early discharge, defined as inpatient care following a mastectomy that is less than forty-eight hours and inpatient care following a lymph-node dissection for the treatment of breast cancer that is less than twenty-four hours, unless the early discharge is recommended by the attending physician in consultation with and upon agreement by the patient.

SECTION 3. Chapter 118E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 10F the following section:-

Section 10G. The division shall provide coverage for a minimum of forty-eight hours of inpatient care following a mastectomy and a minimum of twenty-four hours of inpatient care following a lymph node dissection for the treatment of breast cancer. Any decision to shorten these minimum stays shall be made by the attending physician in consultation with and upon agreement by the patient. If the patient participates in an early discharge, defined as inpatient care following a mastectomy that is less than forty-eight hours and inpatient care following a lymph node dissection for the treatment of breast cancer that is less than twenty-four hours, coverage shall include a minimum of one home visit conducted by a physician or registered nurse.

SECTION 4. Chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 47X the following section: -

Section 47Y. Any blanket or general policy of insurance, except a blanket or general policy of insurance which provides supplemental coverage to medicare or other governmental programs, described in subdivision (A), (C) or (D) of section one hundred and ten which provides hospital expense and surgical expense insurance and which is issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, during the period this provision is effective, or any policy of accident or sickness insurance as described in section one hundred and eight which provides hospital expense and surgical expense insurance, except a policy which provides supplemental coverage to medicare or other governmental programs, and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in the commonwealth,

during the period that this provision is effective, or any employees' health and welfare fund which provides hospital expense and surgical expense benefits and which is promulgated or renewed to any person or group of persons in the commonwealth, while this provision is effective, shall provide benefits for expense of residents of the commonwealth covered under any such policy or plan, for the expense of a minimum of forty-eight hours of inpatient care following a mastectomy and a minimum of twenty-four hours of inpatient care following a lymph node dissection for the treatment of breast cancer. Any decision to shorten these minimum stays shall be made by the attending physician in consultation with and upon agreement by the patient. If the patient participates in an early discharge, defined as inpatient care following a mastectomy that is less than forty-eight hours and inpatient care following a lymph node dissection for the treatment of breast cancer that is less than twenty-four hours, coverage shall include a minimum of one home visit conducted by a physician or registered nurse.

SECTION 5. Chapter 176A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 8Y the following section:-

Section 8Z. Any contract, except contracts providing supplemental coverage to medicare or other governmental programs, between a subscriber and the corporation under an individual or group hospital service plan which shall be delivered, issued or renewed in the commonwealth shall provide, as a basic benefit to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, for expense for a minimum of forty-eight hours of inpatient care following a mastectomy and a minimum of twenty-four hours of inpatient care following a lymph node dissection for the treatment of breast cancer. Any decision to shorten these minimum stays shall be made by the attending physician in consultation with and upon agreement by the patient. If the patient participates in any early discharge, defined as in-patient care following a lymph node dissection for the treatment of breast cancer that is less than twenty-four hours, coverage shall include a minimum of one home visit conducted by a physician or registered nurse.

SECTION 6. Chapter 176B of the General Laws, as so appearing, is hereby amended by inserting after section 4Y the following section:-

66 Section 4Z. Any subscription certificate under an individual or group medical service agreement, except
67 certificates which provide supplemental coverage to medicare or other governmental programs, which
68 shall be delivered, issued or renewed in the commonwealth shall provide, as a basic benefit to all
69 individual subscribers and members within the commonwealth and to all group members having a
70 principal place of employment within the commonwealth for expense for a minimum of forty-eight hours
71 of in-patient care following a mastectomy and a minimum of twenty-four hours of inpatient care
72 following a lymph node dissection for the treatment of breast cancer. Any decision to shorten these
73 minimum stays shall be made by the attending physician in consultation with and upon agreement by the
74 patient. If the patient participates in an early discharge, defined as inpatient care following a lymph node
75 dissection for the treatment of breast cancer that is less than twenty-four hours, coverage shall include a
76 minimum of one home visit conducted by a physician or registered nurse.

77 SECTION 7. Section 4 of chapter 176G of the General Laws, as so appearing, is hereby amended
78 by adding at the end of the first paragraph the following sentence:- Such health maintenance contract shall
79 also provide coverage for inpatient care following a mastectomy and inpatient care following a lymph
80 node dissection for the treatment of breast cancer as set forth in section forty-seven R of chapter one
81 hundred and seventy-five.

82 SECTION 8. Said chapter 176G of the General Laws, as appearing in the 2004 Official Edition,
83 is hereby amended by inserting after section 4Q of the following section:-
84 4R. Any health maintenance contract shall provide coverage for inpatient care following a mastectomy
85 and inpatient care following a lymph node dissection for the treatment of breast cancer in accordance with
86 section four. Such coverage shall include a minimum of forty-eight hours of inpatient care following a
87 mastectomy and a minimum of twenty-four hours of inpatient care following a lymph node dissection for
88 the treatment of breast cancer. Any decision to shorten these minimum stays shall be made by the
89 attending physician in consultation with and upon agreement by the patient. If the patient participates in
90 an early discharge, defined as inpatient care following a mastectomy that is less than forty-eight hours and
91 inpatient care following a lymph node dissection for the treatment of breast cancer that is less than

92 twenty-four hours, coverage shall include a minimum of one home visit conducted by a physician or
93 registered nurse.

94 SECTION 9. No policy or plan covered under this act shall terminate the services, deselect,
95 reduce capitation payment, or otherwise penalize an attending physician or other health care provider for
96 ordering care consistent with the provisions of this act. For the purposes of this section, the words "health
97 care provider" shall include the attending physician and hospital.